

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
(Greenbelt Division)

In re:	:	
	:	
RANDY M. THOMAS and	:	Case No. 18-1-2528-WL
TANISHA N. THOMAS,	:	Chapter 13
Debtors.	:	
	:	

**TRUSTEE’S OBJECTION TO DEBTORS’  
CHAPTER 13 PLAN DATED MARCH 27, 2018**

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Timothy P. Branigan, Chapter 13 trustee in the above-captioned case (“Trustee”), pursuant to section 1325 of the Bankruptcy Code and Bankruptcy Rule 3015(f) objects to confirmation of the Debtors’ Chapter 13 plan dated March 27, 2018 (the “Plan”). In support of his opposition, the Trustee respectfully represents the following:

1. The Debtors commenced this case under Chapter 13 on February 27, 2018. The Plan proposes to pay \$450.00 monthly for months 1 through 3, the sum of \$1,270.00 monthly for months 4 through 20, the sum of \$1,320.00 monthly for months 21 through 26, the sum of \$1,435.00 monthly for month 27, the sum of \$1,550.00 monthly for months 28 through 36, and the sum of \$1,700.00 monthly for months 37 through 60, for a gross funding of \$87,045.00.
2. The Plan is underfunded due to the Internal Revenue Service’s priority claim.
3. The Debtors’ Form 122C-2 reflects that the Debtors have excess monthly income of \$1,240.43. The Plan fails to provide that all of the Debtors’ projected disposable income will be applied to make payments to unsecured creditors under the Plan. The Plan does not satisfy the requirements of section 1325(b)(1)(B) of the Bankruptcy Code.

4. The Debtors have failed to provide proof of charitable and childcare education expenses and the fair market value of the Berkshire stock as requested by the Trustee. At this time, the Debtors have failed to fully cooperate with the Trustee as required under section 521(a)(3) of the Bankruptcy Code.

5. The Plan proposes to strip down the lien of Bridgecrest Credit Company. Bridgecrest Credit Company has filed a proof of claim in the amount of \$19,334.65 at 20.14% interest. The Debtors have failed to take any affirmative action to effectuate the strip down.

6. The Plan proposes to strip down the lien of Capital One Auto Finance. Capital One Auto Finance has filed a proof of claim in the amount of \$15,600.00 at 11.34% interest. The Debtors have failed to take any affirmative action to effectuate the strip down.

7. The Plan must remove the tax refunds and clarify the treatment of Bridgecrest in sections 5.2 and 5.5.

8. The Debtors have non-exempt equity of at least \$6,600.00 in a rental deposit. The Plan does not satisfy the requirements of section 1325(a)(4) of the Bankruptcy Code.

9. The Plan must be amended to specify concurrent, equal monthly payments to secured creditors in amount sufficient to pay the claims asserted. The Plan does not satisfy the requirements of section 1325(a)(5)(b)(ii) and (iii) of the Bankruptcy Code.

10. Accordingly, the Plan should not be confirmed.

**PLEASE TAKE NOTICE THAT *THIS OBJECTION MUST BE RESOLVED AT LEAST 2 BUSINESS DAYS PRIOR TO THE CONFIRMATION HEARING.* AFTER THAT TIME, THE TRUSTEE MAY DECLINE TO ACCEPT MATERIALS THAT HE HAS REQUESTED FROM THE DEBTORS. THE TRUSTEE MAY DECLINE TO DISCUSS THE CASE AT THE CONFIRMATION HEARING. THE DEBTORS SHOULD EXPECT THAT ANY UNRESOLVED OBJECTION WILL BE HEARD BY THE COURT.**

Respectfully submitted,

May 3, 2018

/s/ Timothy P. Branigan  
Timothy P. Branigan (Fed. Bar No. 06295)  
Chapter 13 Trustee  
9891 Broken Land Parkway, #301  
Columbia, Maryland 21046  
(410) 290-9120

**Certificate of Service**

I hereby certify that, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the pleading referenced above to be sent on May 2, 2018 by first-class U.S. mail, postage prepaid to:

Randy M. Thomas  
Tanisha N. Thomas  
13214 Shawnee Lane  
Clarksburg, MD 20871

Suvita Melehy, Esquire  
8403 Colesville Road  
Suite 610  
Silver Spring, MD 20910

/s/ Timothy P. Branigan  
Timothy P. Branigan (Fed. Bar No. 06295)